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Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

<p>NINA AFRASIABI, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED,</p> <p>PLAINTIFFS,</p> <p>V.</p> <p>HSBC BANK USA, N.A.,</p> <p>DEFENDANT.</p>	<p>CASE NUMBER: '12CV0685 MMA POR</p> <p><u>CLASS ACTION</u></p> <p>COMPLAINT FOR DAMAGES</p> <p>JURY TRIAL DEMANDED</p>
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INTRODUCTION

1. NINA AFRASIABI (“Plaintiff”) brings this class action for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of HSBC BANK USA, N.A., and its related entities, subsidiaries and agents (“Defendant”) in willfully employing and/or causing to be employed certain wire-tapping, eavesdropping, recording and listening equipment in order to record, monitor or listen to the telephone conversations of Plaintiff without the knowledge or consent of Plaintiff, in violation of California Penal Code §§ 630 *et seq.*, thereby invading Plaintiff’s privacy. Plaintiff alleges as follows upon personal knowledge as to herself and his own acts and experiences, and, as to all other matters, upon information and belief, including the investigation conducted by his attorneys.

2. California Penal Code § 632 prohibits one party to a telephone call from intentionally recording the conversation without the knowledge or consent of the other. Penal Code § 632 is violated the moment the recording is made without the consent of all parties thereto, regardless of whether it is subsequently disclosed. The only intent required by Penal Code § 632 is that the act of recording itself be done intentionally. There is no requisite intent on behalf of the party doing the surreptitious recording to break California or any other law, or to invade the privacy right of any other person. Plaintiff alleges that despite California’s two-party consent rule, Defendant continues to violate Penal Code § 632 by impermissibly recording, monitoring, and/or eavesdropping upon its telephone conversations with California residents.

JURISDICTION AND VENUE

3. Jurisdiction is proper under 28 U.S.C. § 1332 because Plaintiff is a resident of California and Defendant is a resident of Buffalo, NY. As the damages equal \$5,000 per call, pursuant to Penal Code § 637.2(a), and Plaintiff

believes that thousands of telephone calls took place between Plaintiff, the Class Members and Defendant in the statutory class period, the amount in controversy far exceeds that of \$75,000.00 seeks relief on behalf of a state-wide class with Defendant being from a separate State, New York. Plaintiff also seeks the greater of statutory damages of \$5,000 per violation or three times actual damages per violation pursuant to Penal Code § 637.2(a), which, when aggregated among a proposed class number in the tens of thousands, exceeds the \$5,000,000 threshold for federal court jurisdiction. Therefore, both diversity jurisdiction and the damages threshold under 28 U.S.C. § 1332 present, and this Court has jurisdiction.

4. Venue is proper in the United States District Court for the Southern District of California pursuant to 18 U.S.C. § 1391(b) and 1441(a) because Defendants do business within the State of California and the County of San Diego.

PARTIES

5. Plaintiff is, and at all times mentioned herein was, an individual citizen and resident of the the State of California.
6. Plaintiff is informed and believes, and thereon alleges, that Defendant is, and at all times mentioned herein was, a corporation whose primary corporate address is One HSBC Center, 27th Floor, Buffalo, NY 14203. Defendant has a policy and practice of recording and/or monitoring telephone conversations with the public, including California residents. Defendant's employees and agents are directed, trained and instructed to, and do, record, monitor, and/or eavesdrop upon telephone conversations with the public, including California residents.

FACTUAL ALLEGATIONS

7. Defendant is, and at all times mentioned herein was, a corporation. Plaintiff is informed and believes, and on the basis of that information and belief

1 alleges, that at all times mentioned in this Complaint, Defendants were the
2 agents and employees of their codefendants, and in doing the things alleged
3 in this Complaint, were acting within the course and scope of that agency and
4 employment.

5 8. At all times relevant, Plaintiff was an individual residing within the State of
6 California.

7 9. On or about March 10, 2012, at approximately 8:03 a.m. Plaintiff received a
8 telephone call on her cellular telephone from Defendant where a certain
9 employee, officer and/or agent of Defendant by the name of Nina was calling
10 about an alleged delinquency on a credit card. This conversation with
11 Plaintiff was, without Plaintiff's knowledge or consent, recorded, monitored,
12 and/or eavesdropped upon by Defendant, causing harm and damage to
13 Plaintiff. Only at the end of the conversation, after having talked to
14 Defendant, when Plaintiff inquired if the call was being monitored and/or
15 recorded did Defendant disclose that Defendant was in fact recording the
16 call. At no time during this call did Plaintiff give his consent for the
17 telephone call to be monitored, recorded and/or eavesdropped upon.

18 10. This call was a confidential communication and at no time during this call
19 did Plaintiff give her consent for the telephone call to be monitored, recorded
20 and/or eavesdropped upon.

21 11. Plaintiff is informed and believes, and thereon alleges, that during the
22 relevant time period, Defendant has had a policy and a practice of recording
23 and/or monitoring telephone conversations with consumers. Defendant's
24 employees and agents are directed, trained and instructed to, and do, record,
25 monitor, and/or eavesdrop upon telephone conversations with the public,
26 including Plaintiff and other California residents.

27 12. Plaintiff is informed and believes, and thereon alleges, that during the
28 relevant time period, Defendant has installed and/or caused to be installed

certain wire-tapping, eavesdropping, and listening equipment in its employees' or agents' telephone lines. Defendant uses these devices to overhear, record, and listed to each and every telephone conversation on said telephone lines.

13. Plaintiff is informed and believes, and thereon alleges, that during the relevant time period, Defendant has had all of its calls to the public, including those made to California residents, recorded, monitored, and/or eavesdropped upon without the knowledge or consent of the public, including Plaintiff and other California residents.

14. Defendant's conduct alleged herein constitutes violations of the right to privacy to the public, including Plaintiff and other California residents, and California Penal Code § 630 *et seq.*

CLASS ACTION ALLEGATIONS

15. Plaintiff brings this action on behalf of herself and on behalf of all others similarly situated ("The Class").

16. Plaintiff represents, and is a member of, The Class defined as follows: "All persons in California whose inbound and outbound telephone conversations were monitored, recorded, eavesdropped upon and/or wiretapped without their consent by Defendant within the four years prior to the filing of the original Complaint in this action."

17. Defendant, and its employees and agents are excluded from The Class. Plaintiff does not know the number of members in The Class, but believes the Class Members number in the tens of thousands, if not more. Thus, this matter should be certified as a Class action to assist in the expeditious litigation of this matter.

18. This suit seeks only damages and injunctive relief for recovery of economic injury on behalf of The Class and it expressly is not intended to request any recovery for personal injury and claims related thereto. Plaintiff reserves the

1 right to expand The Class definition to seek recovery on behalf of additional
2 persons as warranted as facts are learned in further investigation and
3 discovery.

4 19. The joinder of The Class members is impractical and the disposition of their
5 claims in the Class action will provide substantial benefits both to the parties
6 and to the Court. The Class can be identified through Defendant's records.

7 20. There is a well-defined community of interest in the questions of law and fact
8 involved affecting the parties to be represented. The questions of law and
9 fact to The Class predominate over questions which may affect individual
10 Class members, including the following:

- 11 a. Whether Defendant has a policy of recording, wiretapping, eavesdropping
12 upon and/or monitoring incoming and/or outgoing calls;
- 13 b. Whether Defendant discloses to callers and/or obtains their consent that
14 their incoming and/or outgoing telephone conversations were being
15 recorded, wiretapped, eavesdropped upon and/or monitored;
- 16 c. Whether Defendant's policy of recording, wiretapping, eavesdropping
17 upon and/or monitoring incoming and/or outgoing calls constituted a
18 violation of California Penal Code §§ 631(a), 632(a) and/or 637;
- 19 d. Whether Defendant's policy of recording, wiretapping, eavesdropping
20 upon, and/or monitoring incoming and/or outgoing calls constitutes a
21 violation of California Business and Professions Code §§ 17200 *et seq.*;
- 22 e. Whether Defendant's policy of recording, wiretapping, eavesdropping
23 upon, and/or monitoring incoming and/or outgoing calls constitutes an
24 invasion of privacy;
- 25 f. Whether Plaintiff and The Class were damaged thereby, and the extent of
26 damages for such violations; and
- 27 g. Whether Defendants should be enjoined from engaging in such conduct in
28 the future.

21. Plaintiff is asserting claims that are typical of The Class because every other member of The Class, like Plaintiff, was exposed to virtually identical conduct and are entitled to the grater of statutory damages of \$5,000 per violation or three times actual damages per violation pursuant to Penal Code § 637.2(a).
22. Plaintiff will fairly and adequately represent and protect the interests of The Class in that Plaintiff has no interests antagonistic to any member of The Class. Plaintiff has retained counsel experienced in handling class action claims to further ensure such protection.
23. Plaintiff and the members of The Class have all suffered irreparable harm as a result of the Defendant's unlawful and wrongful conduct. Absent a class action, The Class will continue to face the potential for irreparable harm. In addition, these violations of law will be allowed to proceed without remedy and Defendant will likely continue such illegal conduct. Because of the size of the individual Class member's claims, few, if any, Class members could afford to seek legal redress for the wrongs complained of herein.
24. A class action is a superior method for the fair and efficient adjudication of this controversy. Class-wide damages are essential to induce Defendant to comply with federal and California law. The interest of The Class members in individually controlling the prosecution of separate claims against Defendant is small because the maximum statutory damages in an individual action for violation of privacy are minimal. Management of these claims is likely to present significantly fewer difficulties than those presented in many class claims.
25. Defendant has acted on grounds generally applicable to The Class, thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to The Class as a whole.

FIRST CAUSE OF ACTION**INVASION OF PRIVACY: VIOLATION OF PENAL CODE § 630 ET SEQ.**

26. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
27. Californians have a constitutional right to privacy. Moreover, the California Supreme Court has definitively linked the constitutionally protected right to privacy within the purpose, intent and specific protections of the Privacy Act, including specifically, Penal Code § 632. “In addition, California’s explicit constitutional privacy provision (Cal. Const., 1 § 1) was enacted in part specifically to protect California from overly intrusive business practices that were seen to pose a significant and increasing threat to personal privacy. (Citations omitted). Thus, we believe that California must be viewed as having a strong and continuing interest in the full and vigorous application of the provisions of section 632 prohibiting the recording of telephone conversations without the knowledge or consent of all parties to the conversation. *Kearney v. Salmon Smith Barney, Inc.*, (2006) 39 Cal. 4th 95, 125.
28. California Penal Code § 632 prohibits one party to a telephone call from intentionally recording the conversation without the knowledge or consent of the other party. Penal Code § 632 is violated the moment the recording is made without the consent of all parties thereto, regardless of whether it is subsequently disclosed that the telephone call was recorded. The only intent required by Penal Code § 632 is that the act of recording itself be done intentionally. There is no requisite intent on behalf of the party doing the surreptitious recording to break California law or any other law, or to invade the privacy right of any other person.
29. Plaintiff is informed and believes and thereupon alleges that Defendant employed and/or caused to be employed certain wire-tapping, eavesdropping,

1 recording, and listening equipment on the telephone lines of all employees,
2 officers, directors, and managers of Defendant.

3 30. Plaintiff is informed and believes and thereupon alleges that all these devices
4 were maintained and utilized to overhear, record, and listen to each and every
5 incoming and outgoing telephone conversation over said telephone lines.

6 31. Said wire-tapping, listening, recording, and eavesdropping equipment was
7 used to record, monitor, or listen to the telephone conversations of Plaintiff
8 and the members of The Class, all in violation of California Penal Code §§
9 631(a) and/or 632.6(a).

10 32. At no time that these telephone conversations were taking place between
11 Defendant or any employee, agent, manager, officer, or director of
12 Defendant, and any other person, did Defendant inform Plaintiff or any other
13 member of The Class that the interceptions, eavesdropping, wire-tapping,
14 listening, and recording of their telephone conversations were taking place
15 and at no time did Plaintiff or any other member of The Class consent to this
16 activity.

17 33. Defendant, knowing that it was unlawful and a violation of Plaintiff and the
18 members of The Class' right to privacy and a violation of California Penal
19 Code § 630, *et seq.*, did intrude on Plaintiff and the members of The Class'
20 privacy by knowingly and/or negligently and/or intentionally engaging in the
21 aforementioned intercepting, eavesdropping, wire-tapping, listening, and
22 recording activities relative to the telephone conversations between Plaintiff
23 The Class members, on the one hand, and Defendant on the other hand, as
24 alleged herein above.

25 34. Based on the foregoing, Plaintiff and the members of The Class are entitled
26 to, and below herein do pray for, their statutory remedies and damages,
27 including but not limited to, those set forth in California Penal Code § 637.2.
28

35. Because this case is brought for the purposes of enforcing important rights affecting the public interest, Plaintiff and The Class seek recovery of their attorney's fees pursuant to the private attorney general doctrine codified in Code of Civil Procedure § 1021.5, or any other statutory basis.

SECOND CAUSE OF ACTION
INVASION OF PRIVACY: COMMON LAW

36. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

37. Defendant invaded Plaintiff the members of The Class' right to privacy by intentionally allowing the unauthorized eavesdropping, wiretapping, recording, and listening of the telephone conversation with Plaintiff and the members of The Class and negligently maintaining the confidentiality of the information of Plaintiff and the members of The Class, as set for above.

38. The intrusion through the unauthorized eavesdropping, wiretapping, recording, and listening of the telephone conversations with Plaintiff and the members of The Class and the negligently maintaining of the confidentiality of the information of Plaintiff and The Class, was offensive and objectionable to Plaintiff, the Class, and to a reasonable person of ordinary sensibilities.

39. The intrusion was into a place or thing which was private and which is entitled to be private, in that Plaintiff and The Class' personal conversations and information provided to Defendant were made privately, were intended not to be recorded, and were intended to be kept confidential and protected from unauthorized disclosure.

40. As a proximate result of Defendant's above acts, Plaintiff and The Class' personal conversations and information were intentionally wire-tapped, eavesdropped, recorded, and listened to, and then distributed and used by persons without prior written authorization, and Plaintiff and The Class

suffered general damages in an amount to be determined at trial according to proof.

41. Defendant is guilty of oppression, fraud, or malice by permitting and intentionally wire-tapping, eavesdropping, recording, and listening to Plaintiff and The Class' personal conversations and information with a willful and conscious disregard of Plaintiff and The Class' right to privacy.

42. Unless and until enjoined and restrained by order of this Court, Defendant's wrongful conduct will continue to cause Plaintiff and The Class great and irreparable injury in that the personal information maintained by Defendant can be distributed and used by unauthorized persons. Plaintiff and members of The Class have no adequate remedy at law for the injuries in that a judgment for monetary sanctions will not end the invasion of privacy for Plaintiff and The Class.

THIRD CAUSE OF ACTION

NEGLIGENCE

43. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

44. Defendant, as aforesaid herein, has various statutory and common law duties not to engage in the aforementioned wire-tapping, eavesdropping, recording, and listening conduct such that Plaintiff and The Class' rights to privacy were invaded and breached.

45. Defendant negligently and recklessly engages in the aforementioned eavesdropping, wiretapping, recording, and listening conduct of Plaintiff and The Class.

46. These activities of Defendant as aforesaid in this cause of action and in this Complaint, legally caused actual, statutorily-imposed and/or demonstrable damages to Plaintiff and The Class.

1 47. As a result of Defendant's activities as aforesaid in this cause of action and
 2 Complaint, Plaintiff and The Class suffered damage as a result of the conduct
 3 of Defendant. Plaintiff and The Class are entitled to their damages in an
 4 amount according to proof at the time of trial.

5
 6 **FOURTH CAUSE OF ACTION**
 7 **UNLAWFUL, FRAUDULENT AND UNFAIR BUSINESS ACTS AND PRACTICES**
 8 **IN VIOLATION OF CALIFORNIA BUSINESS & PROFESSIONS CODE §**
 9 **17200, *ET SEQ.***

10 48. Plaintiff incorporates by reference all of the above paragraphs of this
 11 Complaint as though fully stated herein.

12 49. As a result of Defendant's violations of California Penal Code §§ 631(a)
 13 and/or 632.6(a), as set forth above, and Defendant's violation of California
 14 Business and Professions Code § 17200, as set forth below, Plaintiff and The
 15 Class have suffered an injury in fact by, among other things, having their
 16 personal information recorded without their prior permission or consent, as
 17 required by California Penal Code § 630 *et seq.* Additionally, Plaintiff and
 18 The Class have lost property in that Plaintiff and The Class suffered and are
 19 each entitled to the greater of statutory damages of \$5,000 per violation
 20 pursuant to Penal Code § 637.2(a), or three times actual damages per
 21 violation pursuant to Penal Code § 637.2(a).

22 50. Defendant's conduct in violation of California Penal Code §§ 631(a) and/or
 23 632.6(a), as set forth above, violates California Business and Professions
 24 Code § 17200 in the following respects:

- 25 a. Defendant's conduct of overhearing, recording, and listening to each and
 26 every incoming and outgoing telephone conversation with Plaintiff and
 27 The Class without their prior consent, as set forth above, constitutes an
 28

1 unlawful business practice because Defendant's conduct violates
2 California Penal Code §§ 631(a) and/or 632.6(a); and

3 b. Defendant's conduct of overhearing, recording, and listening to each and
4 every incoming and outgoing telephone conversation with Plaintiff and
5 The Class without their prior consent, as set forth above, constitutes an
6 unfair business practice because Defendant's practice is unethical,
7 unscrupulous, and substantially injurious to consumers. The harm to
8 Plaintiff and the members of The Class outweighs the utility, if any, of
9 Defendant's practices.

10 51. Defendant's unlawful and unfair business practices, as described above,
11 present a continuing threat to Plaintiff and the Class since Defendant
12 continues to overhear, record, and listen to each and every incoming and
13 outgoing telephone conversation with California residents, including Plaintiff
14 and The Class without their prior consent. Plaintiff and The Class have no
15 other adequate remedy of law in that absent equitable relief from the Court,
16 Defendant is likely to continue to injure California residents, and thus
17 engendering a multiplicity of judicial proceedings.

18 52. Pursuant to Business & Professions Code § 17203, Plaintiff and The Class
19 seek an order of this Court for equitable and/or injunctive relief in the form
20 of an order instructing Defendant to prohibit the overhearing, recording, and
21 listening to of each and every incoming and outgoing telephone conversation
22 with California residents, including Plaintiff and The Class without their
23 prior consent and to maintain the confidentiality of the information of
24 Plaintiff and The Class. Plaintiff and The Class also seek the recovery of
25 attorney's fees and costs in prosecuting this action against Defendant under
26 Code of Civil Procedure § 1021.5 and other applicable law.

27 //

28 //

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the Court grant Plaintiff and The Class members the following relief against Defendants, and each of them:

1. That this action be certified as a class action on behalf of The Class and Plaintiff be appointed as the representative of The Class;

2. For the greater of statutory damages of \$5,000 per violation or three times actual damage per violation pursuant to Penal Code § 637.2(a) for Plaintiff and each member of The Class;

3. Injunctive relief in the form of an order requiring Defendant to disgorge all ill-gotten gains and awarding Plaintiff and The Class full restitution of all monies wrongfully acquired by Defendant by means of such unfair and unlawful conduct;

4. That the Court preliminarily and permanently enjoin Defendant from overhearing, recording, and listening to each and every oncoming and outgoing telephone conversation with California resident, including Plaintiff and The Class, without their prior consent, as required by California Penal Code § 630, *et seq.*, and to maintain the confidentiality of the information of Plaintiff and The Class;

5. For general damages according to proof;

6. For special damages according to proof;

7. For exemplary or punitive damages;

8. For costs of suit;

9. For prejudgment interest at the legal rate; and

10. For such further relief as this Court deems necessary, just, and proper.

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TRIAL BY JURY

Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Date: March 15, 2012

Kazerouni Law Group, APC

By: /s Abbas Kazerounian
Abbas Kazerounian
Attorneys for Plaintiff

HYDE & SWIGART

By: /s Joshua B. Swigart
Joshua B. Swigart

KAZEROUNI LAW GROUP, APC
Santa Ana, California

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Nina Afrasiabi, Individually and on Behalf of all others Similarly Situated

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Kazerouni Law Group, APC; 2700 N. Main Street, Suite 1000
Santa Ana, CA 92705 (800) 400-6808

DEFENDANTS

HSBC Bank USA, N.A.

County of Residence of First Listed Defendant Buffalo, NY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

'12CV0685 MMAPOR

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
California Penal Code §§ 630 et seq 28:1331 - Federal Question (JMD)

Brief description of cause:
Invasion of Privacy

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

5,000,001.00+

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes

☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/21/2012

s/Abbas Kazerounian

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____